

[No letterhead]

Mr. David A. Crass
Michael Best
One South Pinckney Street
Suite 700
Madison, WI 53703

Re: Armenia Growers Coalition

Dear Mr. Crass:

The Wisconsin Department of Natural Resources (WDNR) and the United States Environmental Protection Agency (EPA) appreciate the proposal put forth by the Armenia Growers Coalition (AGC) during our July 30, 2018 meeting in Madison, Wisconsin. As promised at the meeting, the agencies are providing feedback on certain matters proposed by AGC.

1. Alternative Water Supplies for Well Owners with Groundwater Exceeding 10 mg/l Nitrate Contamination

AGC indicated at the meeting that it is willing to provide bottled water as soon as contact can be made with the impacted well owners. Based on sampling conducted by EPA and the counties, we know of 48 homes in the Study Area¹ that currently have well water with nitrate contamination greater than 10.0 mg/l. Additional sampling needs to be conducted within the Study Area of those homes that have not already been sampled to identify other affected wells. Provision of bottled water for these homes must begin as soon as possible, and no later than seven calendar days after AGC receives the contact information for the 48 homes. The agencies expect that AGC will provide bottled water to residences via direct delivery or by other means acceptable to the homeowner.

2. Long-term Treatment Systems for Well Owners with Groundwater Exceeding 10 mg/l Nitrate Contamination

AGC indicated at the meeting that it will offer to install point-of-use treatment systems at the known impacted homes and include a replacement filter for each homeowner to install. At

¹ *The Study Area includes those portions of Juneau and Wood County west of Lake Petenwell and included in EPA and the counties' latest sampling efforts. The Study Area may include other areas adjacent to or downgradient of fields associated with AGC operations.*

the time of our meeting, AGC was still in the process of determining which type of treatment system it intended to propose (reverse osmosis, ion exchange, etc.).

The agencies support the Coalition's decision to offer and install point-of-use treatment systems. Those systems must be able to successfully treat the contaminated groundwater to 10.0 mg/l nitrate or below. The agencies believe that such systems should be installed at the 48 known impacted residences, and any other impacted residences subsequently identified within the Study Area. The treatment systems should be installed no later than 30 days after receiving homeowner permission. Before AGC decides on a preferred system, the agencies would like the opportunity to review and comment on the proposed systems to ensure that the technology is consistent with state requirements and likely sufficient to treat the levels of contamination known to exist at the residences.

The agencies are also concerned that AGC is not offering to maintain the point-of-use treatment systems. The agencies believe that AGC must provide long-term maintenance of the treatment systems until nitrate levels in the untreated water are consistently below 10 mg/l. Therefore, AGC should commit to provide long-term maintenance.

We would also like to discuss AGC's commitment should an installed treatment system not effectively reduce nitrate concentrations to or below 10.0 mg/l. The agencies would expect AGC to provide bottled water as needed until a more effective solution is implemented.

3. Long-Term Monitoring

We discussed long-term monitoring during the July 30 meeting. During the meeting, AGC did not make a specific proposal concerning monitoring. The agencies request that AGC devise and commit to a monitoring plan for all residences in the Study Area, and are willing to discuss options for such monitoring, including potential roles for the agencies, counties, AGC, and perhaps others. The plan should include confirmatory and routine sampling for treatment system effectiveness, and routine monitoring of all the private wells within the Study Area. If AGC believes that other parties should perform the monitoring, AGC should fund those monitoring activities.

AGC should provide bottled water to a newly-identified well above 10.0 mg/l nitrates within seven days and offer to install and maintain an appropriate point-of-use treatment system. For each such home, the treatment system should be installed no later than 30 days after being agreed to by the homeowner.

4. EPA Involvement

As discussed during our meeting, EPA needs to be kept up to date on the progress of the proposed activities outlined above. EPA is willing to discuss how this coordination will occur.

5. Reporting

The agencies understand that interest in the water quality in the Central Sands region will remain after the immediate needs of impacted residents are addressed. Therefore, we believe that AGC should provide quarterly reports for the first year of the agreement and semi-annually thereafter. The reports shall include the number of residences with a drinking water nitrate concentration over 10.0 mg/l, all analytical results of residential wells within the Study Area including historical results, a list of the treatment system installed at each residence and when it was installed, detailed description of treatment systems maintenance implemented, and the costs associated with providing alternative water and monitoring activities.

6. Memorandum of Understanding

During the meeting, AGC suggested that a Memorandum of Understanding (MOU) among AGC, the counties, and perhaps the State was under consideration. Although EPA would not be a signatory to the MOU, the agencies believe that there should be a binding agreement to implement the necessary actions. An MOU, or other enforceable document, should spell out roles and responsibilities, commitments, procedures, schedules, deliverables, and contingencies.

7. Long-term Source Control

Control of nitrate sources was discussed during the July 30 meeting and there was general agreement that the issue is critical to addressing the long-term nitrate problem in the Central Sands area. The agencies propose a dialogue for discussing agricultural practices that would reduce nitrate levels in groundwater in the Central Sands area. The agencies understand that this effort may involve many parties, including the agencies, counties, AGC, academia, and others.

Conclusion

It is vital that AGC begin providing bottled water as soon as possible. The agencies are willing to meet or have a conference call with AGC and the counties as soon as possible to continue to resolve these matters in a manner that is protective of human health. Please contact Duncan Moss in WDNR's Bureau of Legal Services at (608) 264-8853 and Chuck Mikalian in EPA's Office of Regional Counsel at (312) 886-2242.

Sincerely,

Duncan Moss

Chuck Mikalian